

**SUBDIVISION AND LAND  
DEVELOPMENT CODE**

**MALVERN, ARKANSAS**

**DRAFT COPY TO BE CONSIDERED BY THE MALVERN CITY COUNCIL**

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## SECTION 1. PURPOSE, AUTHORITY AND JURISDICTION

- 1.1 These rules and regulations are intended to serve the following purpose:
- A. To assist orderly, efficient and integrated development within the City of Malvern's planning area boundary.
  - B. To promote the health, safety, morals, and general welfare of the residents of the City and environs.
  - C. To ensure conformance of subdivision plans with the public improvement plans including the Land Use Plan and the Master Street Plan of the City and environs.
  - D. To secure equitable handling of all subdivision plans by providing uniform procedures and standards for observance both by subdividers and the Commission.
- 1.2 Any subdivider of land within the territorial jurisdiction shall submit to the Commission plats of the subdivision and plans for indicated improvements according to these regulations. In considering the approval of a plat the Commission shall observe and enforce the requirements and procedures set forth herein. In the case of a plat constituting a replat of land into two or more lots, or adjustment of internal lot lines, all of which will be served by an existing street or streets and required utilities, the Commission shall have the power to vary the said requirements so that substantial justice may be done and the public interest served.
- 1.3 No subdivider proposing to make or have made a subdivision within the territorial jurisdiction shall proceed with any construction work on the proposed subdivision, including grading, before obtaining a Certificate of Preliminary Plat Approval and approval of construction drawings by the city's designated representative, and shall not record the Plat of the subdivision or any part thereof before obtaining from the Commission a Certification of Final Plat Approval and acceptance of the plat.
- 1.4 Authority  
This regulation is adopted pursuant to the authority granted by A.C.A. 14.56.401 through 14.56.425 and other applicable laws. The Malvern Planning Commission shall exercise the power and authority to review, approve and disapprove plats for subdivisions and improvements in accordance with these regulations.
- 1.5 Jurisdiction and Application  
It is hereby declared to be the policy of the City of Malvern to consider the

subdivision of land and the subsequent development of the subdivided plat as subject to the control of the City pursuant to the Comprehensive Land Use, Transportation, and Community Facilities Plan.

These regulations shall be applicable to all lands within the City and its planning jurisdiction, except lots of record prior to adoption of the ordinance. The planning area map is maintained in the City Planner's Office.

These regulations and development standards shall apply to the subdivision and development of land as follows:

- A. All divisions or platting of a tract or parcel or land into one or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale or building development, shall be considered a subdivision and subject to this ordinance.
- B. The dedication or vacation of any street or alley through any tract of land regardless of the area involved as may be desired by the owner or if necessary to achieve conformance with the Master Street Plan, shall be considered a subdivision and subject to this ordinance.
- C. Development involving the construction of one or more buildings, together with necessary drives and accessways, which is not subdivided into customary lots, blocks, and streets shall be considered a large scale development and subject to this ordinance when the parcel involved contains two (2) or more acres, includes multi-family development, includes manufacturing buildings, or when the aggregate size of the buildings proposed exceeds ten thousand (10,000) square feet. Plans for all such development shall be submitted to and approved by the Planning Commission and the Building Official, whether or not such plat is to be recorded, and no building permit shall be issued until such approval has been given.

#### 1.6 Severability

If any section, paragraph, clause or part of this subdivision regulation is, for any reason, held void and invalid, such decision shall not affect the validity of the remaining provisions of these regulations. The City Council hereby declares that it would have enacted the remainder of these regulations even without such sections, paragraphs, clauses, parts or positions.

#### 1.7 Amendments

These regulations may be amended at any time after the Planning Commission has held a public hearing on the proposed amendments. At, on, or after such public

hearing, the Planning Commission may recommend to the City Council the adoption of such amendments.

1.8

#### Types of Subdivisions

- A. General - Recognizing that subdivision regulations must be applied to various land development types, and because of the special conditions pertaining to each, this regulation hereby provides for the establishment of four subdivision types: Commercial/Office, Industrial, Manufactured Home Park/Subdivisions and Residential.
- B. Prior to the approval of any preliminary plat, the Planning Commission shall classify and evaluate each subdivision according to its planned future use, it being the responsibility of the applicant to identify the type of proposed plat. Where a proposed plat incorporates more than one use of the type specified in this Section, either the different land use types shall be clearly delineated on the submitted plat, or separate plats shall be filed for each land use type together with a scale drawing illustrating the proposed layout as a totality.
- C. The purpose and intent of each subdivision type shall be generally as follows:
  - 1. Commercial/Office Subdivisions - Commercial/Office Subdivisions are intended to accommodate one or more commercial building sites on either single or multiple lots in a carefully planned configuration designed to protect and enhance the viability of each separate structure and ownership. Commercial and office uses shall be those defined by the Planning Commission.
  - 2. Industrial Subdivisions - Industrial subdivisions are intended to fulfill a two-fold objective; to provide both opportunity and flexibility for industrial activities to take place at appropriate locations in a compatible manner with adjacent nonmanufacturing areas; to acquire the application of sound design principles and the orderly development of industrial parcels involving the creation of one or more building sites or lots. Industrial uses shall be defined as such in the Malvern Zoning Ordinance.
  - 3. Manufactured Home Park/ Subdivisions - Manufactured home parks and subdivisions are intended to ensure proper layout and development of areas for manufactured home occupancy by establishing appropriate standards for density spacing and placement and ~~by requiring off-street parking, storage facilities and open space.~~

The regulations are also intended to facilitate location of manufactured homes within the jurisdiction of this subdivision ordinance by making available appropriate sites for such occupancy.

4. Residential Subdivisions - Residential subdivisions are intended to ensure efficient, aesthetic and convenient designs for single family, zero-lot-line, duplex and multi-family residential development, and to provide harmonious relationships with surrounding areas. Residential uses shall be those defined as such in the Malvern Zoning Ordinance.

#### 1.9 Resubdivision of Land

- A. Procedure - Any change in an approved or recorded plat other than lot splits, lot line adjustments or recombinations shall be considered a resubdivision and subject to approval by the Planning Commission. For resubdivision, the same rules, regulations and procedures applicable to subdivisions shall apply.
- B. Future Resubdivisions - Whenever a parcel of land is subdivided and the subdivision plat shows one or more lots containing more than one acre of land, and there are indications of such lots eventually being resubdivided into small building sites the Planning Commission may require that such parcel of land allow for the future opening of streets and the ultimate extension of adjacent streets. Easements providing for the future opening and extension of such streets may be made a requirement of the plat.

#### 1.10 Vacation of Plats

- A. Any plat or any part of any plat may be vacated by the owner at any time before the sale of any lot therein. Vacation of a plat shall be subject to the approval of the City Council. The City Council may reject any proposed plat vacation which abridges or destroys any public rights in any public use areas, improvements, streets or alleys.
- B. Upon recordation, such vacation shall have the effect of divesting the public of all rights in the streets, alleys, public areas, and dedications laid out for describing in such plat, except those reserved by such vacation.
- C. When lots have been sold, the plat may be vacated in the manner established therein, provided the owners of all lots join the plat vacation application.

#### 1.11 Variances

- A. General - The rules and regulations set forth in this regulation are the standard requirements of the City. Where the Planning Commission finds, however, that extraordinary hardships or practical difficulties may result from strict compliance with these regulations, or the purpose of these regulations may be served to a greater extent by an alternative proposal, it may approve variances to the subdivision regulations so that substantial justice may be done and the public interest secured. Such variances, however, shall not have the effect of nullifying the intent and purpose of these regulations. The Planning Commission shall only approve variances where it finds that:
1. The granting of the variance will not be detrimental to the public safety, health, or welfare, or injurious to other property.
  2. The conditions upon which the request for variance is based are unique to the property for which the variance is sought and are not applicable generally to other properties.
  3. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, strict application of these regulations would deprive the owner of reasonable use of his property.
  4. The variance will not in any manner vary the provisions of the Zoning Ordinance, the Master Street Plan, or the Municipal Plan.
  5. The variance is not based solely on financial considerations, but has other overriding hardships.
- B. Procedures and Conditions - No variance shall be granted except upon written petition by the subdivider when the preliminary plat is filed for consideration by the Planning Commission. The petition shall state fully the grounds for the application and all of the facts upon which the petition is made. In approving variances, the Planning Commission, may, at its option, require special conditions to ensure development in accordance with objectives, standards, and requirements of these regulations.

## SECTION 2. DEFINITIONS

A. For the purpose of these regulations, certain terms used herein are defined as follows:

- (1) Alley. A minor public way used for utility easements and vehicular service access to the back or the side of properties abutting a street.
- (2) Building Set-back Line. A line parallel to the street right-of-way indicating the limit beyond which buildings or structures may not be erected. Building set-back requirements apply to all new construction both within and outside of recorded subdivisions.
- (3) City. The City of Malvern, Arkansas.
- (4) City Attorney, City Clerk, Director of Public Works. Any office referred to in this chapter by title, i.e., City Attorney, City Clerk, Director of Public Works, etc., shall be the person so retained in this position by the city, or his duly authorized representative.
- (5) Cul-de-sac. A street having one end open to the traffic and being terminated at the other end by a vehicular turnaround.
- (6) Easement. A grant by a property owner to the public, a corporation, or persons of the use of a strip of land for specific purposes.
- (7) Improvements. Street grading and surfacing, curbs and gutters, water mains and lines, sanitary and storm sewers, culverts and bridges, and other utilities and related items.
- (8) Large Scale Development. Development containing two (2) acres of land or more or proposed buildings containing an aggregate size of ten thousand (10,000) square feet or more.
- (9) Lot. A portion of a subdivision, or any parcel of land intended as a unit of transfer of ownership or for development.
- (10) Lot Split. A subdivision which involves the dividing or re-dividing of a land area within any recorded subdivision, and which does not involve the dedicating, vacating, widening, narrowing or change of alignment of any thoroughfare, street, alley, or easement.
- (11) Lot, Substandard. A lot or parcel of land that has less than the required minimum area or width as established by the zone in which it is located and provided that



such lot or parcel was of record as a legally created lot on the effective date of the ordinance codified in this title.

- (12) Plan, City. The plan made and recommended by the City Planning Commission and adopted by the city council indicating the general location recommended for such features as land uses, major streets, parks, public buildings, zoning districts, and other public improvements.
- (13) Plat. A map or drawing and accompanying material indicating the layout and design of a proposed subdivision or lot-split prepared by a developer for consideration and approval by the planning board. Such plats may be the sketch plat, the preliminary plat, or the final plat.
- (14) Highways, Roads, & Streets. A dedicated public right-of-way which provides vehicular and pedestrian access to adjacent properties.
- (15) Staff. The Building Official or his appointed designee.
- (16) Street. A dedicated public right of way which provides vehicular and pedestrian access to adjacent properties.
- (17) Street, Dead-end. A street, similar to a cul-de-sac, but providing no turnaround at its closed end.
- (18) Subdivider. A person, firm or corporation undertaking to develop a subdivision as defined in these regulations.
- (19) Subdivision. The division of a parcel of land into two (2) or more lots or parcels for the purpose of transfer of ownership or building development. However, a division of land for agriculture purposes into lots or parcels of ten (10) acres or more not involving a new street is not a subdivision.

### SECTION 3. TENATIVE PLANS APPLICATION CONSIDERATION

#### 3.1 Procedural Requirements

- A. Whenever any subdivision of a tract of land is proposed to be made, the subdivider or his agent may submit to the Staff sketch plans and data concerning existing conditions within the site and in its vicinity, and which shall convey the intentions of the subdivider as to the proposed layout and type of development.
- B. No fees shall be collected for tentative plans consideration, the purpose being to acquaint the subdivider with city and county plans and policies in effect that would be significant to the proposed subdivision.

#### 3.2 Plat Specifications

In conjunction with a tentative plan conference with the staff, whether optional or required, the subdivider shall provide the following information:

- A. Vicinity Map - The vicinity map, covering a radius of one-half (1/2) mile of the proposed plat at a scale of 1" = 2000' shall generally locate arterial streets and highways, section lines, railroads, schools, parks, and other significant community facilities. Where possible, the north direction of the vicinity map shall correspond to the north direction of the plat.
- B. Sketch Plan - The sketch plan, on a current topographic survey, (geodectic) shall show in simple sketch form the proposed layout of streets, lots, and other features and their relationship to the surrounding development patterns.
- C. Written Information - Written information, informally submitted, shall generally include the following: The applicant's name and address, the agent, acreage in the tract, area allocated to each land use, proposed bills of assurance, cultural and natural features of the site, and anticipated subdivision characteristics including the approximate number of lots, average lot size, location of street rights-of-way and easements and proposed infrastructure improvements.
- D. Fees and Forms - No application fees or special forms are required.

#### SECTION 4. PRELIMINARY PLAT REQUIREMENTS

4.1 Application for Certificate of Preliminary Plat Approval Whenever a subdivision or large scale development is proposed to be made and before any sale of lots located in said subdivision as a whole or any part thereof is made, or before building permits are approved, the subdivider shall first submit to the Staff an application for a Certificate of Preliminary Plat Approval which shall consist of:

- A. A letter of request, including requests for any variances from the regulations contained herein.
- B. Plats, plans and data as specified in Section 4.8, concerning existing conditions within the site and its vicinity and which shall convey the intentions of the subdivider as to the proposed layout and type of development.
- C. A filing fee as specified in Section 10.

#### 4.2 Staff Review

The Staff and other appropriate City and public agency staff shall review the proposed subdivision for conformance with this regulation. In its review, Staff shall take into consideration the requirements of the community and the use of the land being subdivided and may offer suggestions concerning changes they feel would enable the project to meet the purpose and intent of this Subdivision Regulation. Particular attention shall be given to width, arrangement and location of streets, utility easements, drainage, lot sizes and arrangements and other facilities such as parks, playgrounds or school sites, public buildings, parking areas, and arterial streets, and the relationship of the proposed subdivision to adjoining, existing, proposed and possible subdivision of lands.

- A. The City Staff shall distribute copies of the preliminary plat to other City departments with the request that their recommendations for either approval or disapproval be provided in writing. Such recommendations shall be forwarded to the staff and thence to the Subdivision Committee along with the staff's own recommendation.

#### 4.3 Subdivision Committee Review

- A. The Subdivision Committee of the Planning Commis-

sion shall review the preliminary plat along with the agencies and staff recommendations and then shall submit its recommendation accompanied by a copy of the staff's recommendation to the full Planning Commission for final action.

4.4 Planning Commission Action

- A. The Planning Commission shall review preliminary plats at its regularly scheduled monthly meeting at which time interested persons may appear and offer evidence in support of or against such preliminary plat. The Planning Commission shall then approve, conditionally approve, deny or defer the plat. Notification of decision and reason shall be provided in writing to the subdivider within five working days of the Planning Commission's meeting.

4.5 Approval of the Preliminary Plat

- A. A preliminary plat approved by the Planning Commission shall be effective and binding upon the Commission for a period not to exceed twelve (12) months or as long as work is actively progressing, at the end of which time the final plat application for the subdivision or an extension request must have been submitted to the Director of Public Works. Any plat not receiving final approval or an extension with the period of time set forth herein or otherwise not conforming to the requirements of this regulation, shall be null and void, and the developer shall be required to submit a new plat of the property for preliminary approval subject to all zoning restrictions and subdivision regulations.
- B. Approval of the preliminary plat shall be accompanied by a Certification of Preliminary Plat Approval executed by the Director of Public Works. Such approval authorizes the subdivider to proceed with preparation of an application for final plat approval.
- C. Receipt by the subdivider of the executed Certificate of Preliminary Plat Approval is authorization to proceed with the preparation of necessary construction plans and specifications and thence the installation of required public improvements. The subdivider shall build all public streets,

drainage, and other utility improvements to the specifications of the construction plans approved by the City's Department of Public Works. Construction work shall be subject to on-site inspections by the City to verify conformance with the approved construction plans.

4.6 Disapproval of the Preliminary Plat

- A. A disapproved Preliminary Plat may be resubmitted. The plat shall be submitted to the Director of Public Works for review as outlined in this regulation for an original preliminary plat submission.
- B. The Malvern Director of Public Works may forego those steps in the review process of a resubmitted plat found to be redundant but in each case the steps outlined in 4.3, 4.4, and 4.5 shall be adhered to.

4.7 Approval of a Preliminary Plat shall be governed by the following qualifications:

- A. At least one copy of the approved Preliminary Plat shall be retained in the Commission's files, one copy retained in the files of the Department of Public Works, and one copy endorsed with the Certificate of Preliminary Plat approval shall be returned to the subdivider.
- B. Approval of a Preliminary Plat is only tentative pending submission of the Final Plat. Building permits will not be issued until a Final Plat has been submitted and approved.

4.8 Preliminary Plat Application Requirements

Specific submission requirements include the following materials:

- A. Application Form - A subdivision application form providing the following information shall be completed by the applicant and submitted to the Malvern Public Works Office. The application form and preliminary plat shall be filed with the Public Works Department no later than 21 calendar days preceding the regularly scheduled Planning Commission meeting date at which the preliminary

plat is to be considered.

1. Proposed name of subdivision.
2. Proposed type of subdivision.
3. Name and address of owner of record.
4. Name and address of subdivider.
5. Linear feet of streets.
6. Average size of lots and minimum lot size.
7. Number of lots.
8. Location of the tract by legal description giving acreage to the nearest one-tenth of an acre, date of survey, and Surveying Certificate.
9. Existing and proposed covenants, restrictions, and zoning classifications.
10. Proposed open space.
11. Source of water supply and summary outline of water improvements.
12. Where wastewater disposal is to be accomplished by extending Wastewater Utility Facilities, this circumstance shall be indicated and a summary of improvements outlined.
13. Letter of certificates of approval or disapproval from City, County, or State agencies. Such material shall be obtained by the subdivider.
14. A summary outline of drainage improvements.
15. A summary outline of erosion control during construction.
16. Such further information as the subdivider wishes to bring to the attention of the Planning Commission.

B. Vicinity Map - The vicinity map shall cover an

area within a radius of one-half (1/2) mile of the proposed subdivision at a scale of 1" = 2000'. The drawing shall generally locate arterial streets, highways, section lines, railroads, schools, parks, and other significant community facilities; and, if possible, shall be incorporated on the preliminary plat.

- C. Preliminary Plat - Seventeen (17) black or blue line prints of the preliminary plat, clearly and legibly drawn, shall be submitted on white paper no larger than twenty-four (24) inches by thirty-six (36) inches and no smaller than eight and one-half (8-1/2) inches by eleven (11) inches. Extra large plats may be submitted on more than one conforming sheet. Plat scale shall be no less than 1" = 40' for plats up to and including ten acres and 1" = 100' for plats larger than ten acres, except where a smaller scale may be deemed appropriate by the staff. The preliminary plat shall be identified by the name of the subdivision, and shall include:

1. Contour intervals to sea level datum, of at least five (5) feet.
2. Proposed design including streets, alleys and sidewalks with proposed street names, lot lines with approximate dimensions, service easements, land to be reserved or dedicated for public uses, and land to be used for purposes other than residential.
3. Minimum building front yard setback lines for commercial/office, industrial, manufactured home park and residential subdivisions, and all setback lines for apartment and townhouse development.
4. Natural features within and immediately surrounding the proposed subdivision including drainage channels, bodies of water, existing wooded areas to be used as buffers, and other significant features. On all watercourses leaving the tract, the direction of flow shall be indicated, and for all watercourses entering the tract, the drainage area above the point of entry shall be noted.

5. Preliminary storm drainage analysis showing drainage data for all watercourses entering and leaving the plat boundaries. The storm drainage analysis shall be prepared in sufficient detail to illustrate the proposed system's capability of accommodating a not less than one in twenty-five year rainfall (except in the central business district where a one in fifty year rainfall design will be used). Preliminary storm drainage plan incorporating proposed easement dimensions and typical ditch sections.
6. Date of survey, north point and graphic scale.
7. Any portion of property within the 100 year flood plain, based upon the most recent available calculations of the U.S. Army Corps of Engineers, or appropriate federal agency. The Flood panel number and date shall be shown on the plat along with the 100 year flood plain and floodway elevation contours for identification of the flood plain and floodway limits within the plat.
8. Topographic features within and immediately surrounding the proposed subdivision including existing and platted streets, bridges, culverts, utility lines, pipelines, power transmission lines, all easements, park areas, structures, city and county lines, section lines and other significant information including established noise zones emanating from any general, commercial, or military air fields.
9. Names of recorded subdivisions abutting the proposed subdivision.
10. For residential plats, names of owners of unplatted tracts abutting the proposed subdivision and the names of all owners of platted tracts.

For commercial, office and industrial plats, names of owners of all lands contiguous to the proposed subdivision.



For both residential and commercial subdivisions, names of all owners of landlocked parcels contiguous to or within the plat boundaries.

11. Exact boundary lines of the tract indicated by a heavy line giving dimensions, angles and at least one (1) bearing.
12. Zoning classifications within the plat and abutting areas if applicable.
13. Municipal boundaries that pass through or abut the subdivision.

D. Engineering Analysis

1. Street profiles shall be included showing existing and proposed elevations along center lines of all roads drawn at a horizontal scale of 40' to the inch and a vertical scale of 4' to the inch, or as otherwise allowed by the Department of Public Works. Such profiles shall be prepared by an engineer registered to practice in the State of Arkansas.
2. At the option of the Director of Public Works, street cross sections of all proposed streets shall be included at a minimum of one hundred foot (100) stations as follows: On a line at right angles to the centerline of the street, said elevation points shall be at least at the centerline of the street, at each property line and at points twenty-five (25) feet inside each property line.
3. Flood plain Analysis - Where a portion of a plat is suspected to be flood prone, and the U.S. Army Corps of Engineers information is not available, an engineering analysis shall be required by the Planning Commission. Such analysis shall determine to the best of the engineer's ability a safe building line and shall be clearly and legibly drawn on the preliminary plat.
4. Soils Test - Soils test may be required by the Planning Commission where it is suspected

that soil conditions may affect structural or operational aspects of the facilities to be constructed. Such circumstances may include the stability of slopes, foundation conditions, and potential hazards created by deep cuts and fills required for street or utility construction and similar situations.

E. Certificates, Fees and Bills of Assurance

1. Preliminary Plat Certificates - Each preliminary plat submitted to the Planning Commission shall carry the following certificates as appropriate:

a. CERTIFICATE OF SURVEYING ACCURACY

I, \_\_\_\_\_,  
hereby certify that this plat correctly represents a boundary survey made by me and all monuments shown herein actually exist and their location, size, type and material are correctly shown.

Signed

\_\_\_\_\_  
Date of  
Execution

\_\_\_\_\_  
Name, Professional Land  
Surveyor  
No. \_\_\_\_\_, Arkansas

2. CERTIFICATION OF PRELIMINARY ENGINEERING ACCURACY

I, \_\_\_\_\_,  
hereby certify that this plat correctly represents a plat made by me, and that engineering requirements of the Malvern Subdivision Rules and Regulations have been complied with.

Signed

\_\_\_\_\_  
Date of Execution Name, Registered Engineer  
No. \_\_\_\_\_, Arkansas

c. CERTIFICATE OF PRELIMINARY PLAT APPROVAL

All requirements of the Malvern Subdivision Rules and Regulations relative to the preparation and submittal of a Preliminary Plat having been fulfilled, approval of this plat is hereby granted, subject to further provisions of said Rules and Regulations.

This Certificate shall expire \_\_\_\_\_ Date.

Signed

\_\_\_\_\_  
Date of  
Execution

\_\_\_\_\_  
Chairman, Malvern  
Planning Commission

\_\_\_\_\_  
~~Director, Malvern~~  
Dept. of Public Works

2. Fees - Filing fees for preliminary plats shall be those established by City Ordinance by the City Council of the City of Malvern, Arkansas.
3. Bill of Assurance - A draft of any Bill of Assurance proposed for the subdivision generally describing proposed covenants, restrictions and conditions applicable to a property shall be submitted for review at the time of preliminary plat review.
4. Site Construction - Site preparation, including clearing and grading, shall not commence on the development site prior to approval of the preliminary plat by the Planning Commission and approval of an erosion control plan by the Director of Public Works. ~~Construction of streets, drainage, utilities and~~ other public improvements shall not commence prior to the approval of streets, drainage and utility plans by the Director of Public Works.

5. Home Owners' Association - The rules governing any proposed Homeowners' Association will be submitted along with any other private agreements governing the maintenance of detention ponds, street lights, or other common areas or fixtures.

6. ELECTRONIC DATA

In addition to physical drawings the applicant shall submit all preliminary plat information in electronic (digitized) formats unless otherwise stated by the Building Official, material shall be submitted in *Auto Cad* formation, Version 12 or higher.

SECTION 5. FINAL PLAT REQUIREMENTS

5.1 Application for Approval of the Final Plat

- A. Whenever the provisions of these rules and regulations have been complied with and while the Certificate of Preliminary Plat Approval is in effect, the subdivider may submit to the Malvern Public Works Department an application for review and approval of the Final Plat which shall consist of:
  - 1. A letter of application requesting review and final approval of the plat.
  - 2. The Final Plat and other documents as specified in Section 4.8.

5.2 Approval of the Final Plat

- A. Whenever a final plat has been submitted to the Public Works Department which is in conformity with an approved preliminary plat and the provisions of Section 4.8, the Building Official shall be authorized to approve and take action on the plat. If there are significant variances from the preliminary plat or other significant matters of fact, the Building Official may elect to have the final plat considered for approval by the Planning Commission at its regular monthly meeting. The Building Official shall notify the Commission, at the regular meeting, of all subdivisions given final plat approval by the Staff.
- B. The Building Official need not take action on any application received less than twenty-one (21) days before the next regularly scheduled meeting of the Planning Commission.
- C. Failure of the Staff or Planning Commission to act within fifty-one (51) days of receipt of the application shall be deemed approval of the Final Plat and waives all further plat requirements of ~~these rules and regulations.~~ Such failure to act shall be so noted by the Staff on the Plat to be filed for record.
- D. ~~If a Final Plat is disapproved by the Planning~~

Commission, the applicant shall be so notified in writing within five (5) working days of the Commission action and the reasons therefor shall be enumerated.

- E. Final Approval of the Final Plat shall be indicated by the execution of a Certificate of Final Plat Approval on the Plat.
- F. The Commission or the Building Official may execute a Certificate of Final Plat Approval when the City Clerk or the Building Official has determined that the City has received one of the following:
  - 1. A certificate submitted by the subdivider and Registered Engineer of record and approved by the Building Official, stating that all improvements and installations to the subdivision required for its approval under the terms of these rules and regulations have been completed in accordance with these specifications; or upon completion of all utilities, curbs and gutters, and street subbase and a performance bond and/or irrevocable letter of credit approved by the Building Official and City Attorney. This bond and/or letter of credit shall:
    - a. Be submitted to the City.
    - b. Be in an amount determined by the Building Official to be 1-1/2 (one and one half) times sufficient to complete the improvements and installations for the subdivision in compliance with these rules and regulations,
    - c. Be with surety by a company entered and licensed to do business in the State of Arkansas, and
    - d. Specify the time for the completion of the improvements and installations or
  - 2. A cash deposit or a cash escrow deposited with an agent approved by the Commission in an amount, as determined by the Building Official, equal to 1-1/2 (one and one half)

times the amount necessary to complete the improvements and installations for the subdivision in compliance with these rules and regulations. Such cash deposit may be withdrawn in direct proportion to the amount of work completed as approved by the Commission.

- G. Approval of a Final Plat by the Commission or Staff shall not be deemed acceptance of any of the dedications shown on the plat.
- H. Upon completion of the installation of the improvements required by these rules and regulations, the subdivider shall present to the Building Official one complete set of the "as built" construction plans and drawings showing the subdivision and its improvements. This set of plans and drawings shall include:
  - 1. Plans of all streets and alleys showing the location of all utility lines.
  - 2. Centerline profiles of all streets.
  - 3. Profiles or invert elevations of all storm and sanitary sewerage lines as such improvements which have actually been installed by the subdivider.
  - 4. A letter submitted by a Professional Engineer certifying that all improvements and installations have been made in accordance with the submitted construction plans and drawings and the standards established by the City or the County, and said improvements and installations are functioning properly.

### 5.3 Staging

The subdivider may, with the permission of the Planning Commission, and in conformance with the provisions of Section 5 of this regulation, seek final approval for only a portion of the property for which the preliminary plat was approved. For residential plats such stages shall contain at least three (3) lots of the approved preliminary plat seeking final plat approval. The Planning Commission may require a performance bond for the public improvements (per



Paragraph 5.2.F.1) be in such amount as is commensurate with the stage of the plat being filed and may defer additional performance bond requirements until additional stages of the plat are offered for filing.

#### 5.4

##### Final Plat Application Requirements

- A. General - Submission for certification of final plat approval shall consist of one reproducible print plus six (6) copies showing all certificates as specified in 5.4.D. below, and with the Certificate of Owner, Certificate of Engineering and Certificate of Surveying Accuracy being executed. The final plat shall be clearly and legibly drawn in black ink on suitable tracing material at the same scale and dimensions used for the approved preliminary plat. The Final Plat shall conform to the preliminary plat, and it may constitute only that portion of the approved preliminary plat which the subdivider proposes to record and develop at any one time, provided that such portion conforms to the requirements of these rules and regulations.
- B. Final Plat - The final plat shall indicate the following information:
1. Name and address of owner of record and subdivider.
  2. Name of subdivision.
  3. Date of the plat, north point, and graphic scale.
  4. Name of all streets.
  5. Bearings and distances to the two nearest established section corners or other corners of record which shall accurately describe the location of the plat.
  6. Exact boundary lines of the tract indicated by a heavy line, or other acceptable control traverse, giving dimensions to the nearest tenth or hundredth of a foot and bearings to the nearest minute, or second in order to achieve an unbalanced error of closure of at least one in five thousand.

7. Streets and alleys within and abutting the subdivision, with street names indicated.
8. Street center lines showing angles of deflection or bearing, angles of intersection, and radii.
9. Source of title giving deed record book and page number or instrument number.
10. Lot lines with dimensions to the nearest tenth or hundredth of a foot, bearings and angles sufficient to reproduce the survey, and radii of rounded corners.
11. Building setback lines with dimensions. The lot width at the building line shall be shown when required by the Commission.
12. Lot and block numbers together with all street and/or 911 addresses.
13. Easements, buffer strips and public service utility rights-of-way lines giving dimensions, locations and purpose.
14. Accurate outlines and descriptions of any areas to be dedicated or reserved for public use or acquisition with the purpose indicated thereon; and of any areas to be reserved by deed covenant for common use of all property owners.
15. Accurate locations and descriptions of all monuments.
16. Key map where more than one sheet is required to present map.
17. Vicinity map.
18. Location of tract by legal description and giving acreage.

C. Written Information

1. ~~Certification of approval of water supply and~~

sanitary sewage disposal by the appropriate agency, when not connected to the municipal system.

D. Certificates, Fees, and Bills of Assurance

1. Final Plat Certificates - Each final plat submitted to the Staff for approval shall carry the following certificates printed thereon.

a. CERTIFICATE OF OWNER

We, the undersigned owners of the real estate shown and described herein, do hereby certify that we have laid off, platted, and subdivided, and do hereby lay off, plat, and subdivide said real estate in accordance with this plat.

Signed

\_\_\_\_\_  
Date of                      Name  
Execution                  Address  
Source of Title: D.R.    Page \_\_\_\_\_  
Instrument No.            \_\_\_\_\_

b. CERTIFICATE OF RECORDING

This document, number \_\_\_\_\_ filed  
for record \_\_\_\_\_

\_\_\_\_, 19\_\_\_\_, in Plat Book \_\_\_\_\_  
\_\_\_\_, Page \_\_\_\_\_.

Signed

\_\_\_\_\_  
Name    Clerk

c. CERTIFICATE OF ENGINEERING ACCURACY

I, \_\_\_\_\_  
\_\_\_\_\_, hereby certify that this plat correctly  
represents a plan made by me, and that the  
engineering requirements of the Malvern  
Subdivision Rules and Regulations have been

complied with.

Signed

Date of  
Execution

Name, Professional  
Engineer No. \_\_\_\_\_,  
Arkansas

d. CERTIFICATE OF SURVEYING ACCURACY

I, \_\_\_\_\_,  
\_\_\_\_\_, hereby certify that this plat correctly  
represents a boundary survey made by me and  
boundary markers shown hereon actually exist and  
their location, type and material are correctly  
shown.

Signed

Date of  
Execution

Name, Professional Land  
Surveyor No. \_\_\_\_\_, Arkansas

e. CERTIFICATE OF FINAL APPROVAL

Pursuant to the Malvern Subdivision Rules and  
Regulations, and all of the conditions of the  
approval having been completed, this document is  
hereby accepted. This Certificate is hereby  
executed under the authority of said Rules and  
Regulations.

Signed

Date of  
Execution

Chairman, Malvern  
Planning Commission

\_\_\_\_\_  
Malvern Dept. of Public Works

5. ELECTRONIC DATA

1. In addition to physical drawings the

applicant shall submit all preliminary plat information in electronic (digitized) formats unless otherwise stated by the Building Official, material shall be submitted in Auto Cad formation, Version 12 or higher.

2. Fees - Filing fees for final plat shall be those established by City Ordinance by the City Council of the City of Malvern.
3. Bill of Assurance - The Bill of Assurance shall be submitted to the Staff for review and approval with the final plat. Such document shall incorporate the same provisions as those filed with the preliminary plat, including but not necessarily limited to the following: offering dedications of streets and alleys, parks and other lands; establishing easements, setting forth privileges and conditions pertaining thereto, and setting forth the restrictions and covenants of the subdivision; and setting forth procedures by which amendments to the ~~Bill of Assurance can be made.~~ Said Bill of Assurance shall contain reference to the approval of the final plat.

Where minimum floor elevations are required to be placed on the final plat, the source of the information by which the elevation was obtained shall be shown on both the plat and contained in the Bill of Assurance.

## SECTION 6. COMBINED PRELIMINARY AND FINAL PLAT PROCEDURE

### 6.1 Submission of Combined Application

Based upon the pre-application procedure, and for minor subdivisions and lot splits, where no public purpose would be served by separate steps, a combined preliminary and final plat procedure may be authorized in the following circumstances and in conformance with the requirements and standards specified herein.

#### A. Minor Subdivisions

1. Authorization - The Staff may authorize a combined preliminary and final review procedure for minor subdivisions. All plats submitted as minor subdivisions shall require review and approval by the Planning Commission.
2. Definition - In order to qualify as a minor subdivision, a proposed subdivision must meet the following requirements:
  - a. The proposed plat does not create more than six lots, tracts or parcels of land.
  - b. The proposed plat does not involve dedication of public street or access easement through rather than adjacent to the lot, tract or parcel proposed for subdivision.
  - c. All required public utilities are existing.
3. Review and Approval - Request for minor subdivision approval shall be made by the owner of the land to the Department of Public Works twenty-one (21) days prior to the next regularly scheduled Commission meeting date. Subdivision requirements shall be the same as those required for final plat. The Subdivision Committee and the Planning Commission shall review the plat at their next regularly scheduled monthly meeting. If the final plat is in conformance with the objectives and standards of this regulation and all required

information is contained thereon, the Planning Commission and the Building Official shall certify their approval of the plat, making proper notation on the original tracing of said plat, and permit recording the plat in the Office of the Circuit Clerk.

## 6.2 Lot Splits and Recombinations

- A. General Intent and Definition - The Planning Commission hereby delegates to and designates the Building Official the authority for approving or disapproving lot splits where a single lot, tract or parcel is being split into two lots meeting minimum lot requirements or where existing lot lines are proposed to be readjusted. Such authority shall be exercised in accordance with the following regulations.
- B. Application Procedure - Request for lot split approval shall be made by the owner of the land to the Department of Public Works. Eight copies of a drawing to scale of the lots involved if there are no structures thereon, or if the structures are located on any part of the lot being split, four copies of a survey of the lot(s) and the location of the structure(s) thereof, together with the precise nature, location and dimensions of the split, shall accompany the application.
- C. Approval Guidelines - Approval or disapproval of lot splits shall be given based on the following guidelines:
  - 1. No new street or alley is required.
  - 2. No vacation of streets, alleys, setback lines, access control or easements is required or proposed.
  - 2. Such action will not result in any significant increases in public service requirements, nor will interfere with maintaining existing public service levels.
  - 4. There is adequate street right-of-way as required by these regulations and the Master

Street Plan.

5. All easement requirements have been satisfied.
  6. All lots created by such split or readjusted shall have direct access to a public street according to the provisions of this regulations.
  7. No substandard sized lots or parcels shall be created.
  8. Such action will not result in a lot being split into more than two (2) tracts.
- D. Approval - The Building Official shall, in writing, either approve, conditionally approve, or disapprove the proposed lot split within thirty (30) days of application. If approved, and after all conditions have been met, the Building Official shall sign and furnish a certified copy thereof and it shall be submitted by the application for recordation with the Circuit Clerk. Two copies of the final recorded plat shall be furnished by the applicant to the Department of Public Works.
- E. Plat Specifications - The final plat for minor subdivision or lot-splits shall be prepared on accepted tracing material or mylar film at a scale of 1" - 40' or larger and shall conform to all requirements for submission of a regular final plat as outlined in Section 5.
- F. Fees - The applicant shall submit all necessary fees and meet all submittal requirements at the time of the filing as described in Section 5 of this regulation.



## SECTION 7. GENERAL PRINCIPLES

In addition to the specific requirements for improvements and their design, the following general principles, shall guide the Staff, the Subdivision Committee, and the Planning Commission in their review of proposed development and subdivision of land.

### 7.1 Suitability of the Land

- A. Adequacy of Public Facilities and Services - Land which is neither provided, nor programmed by the City within the corporate limits to have adequate water, sanitary sewer services or storm drainage facilities shall not be subdivided for purposes which require such services unless the developer provides such services.
- B. Subdivision and Street Names - The proposed name of subdivision and streets shall not duplicate, or too closely approximate phonetically, the name of any street or subdivision in the area covered by these regulations. The Malvern Fire Department shall review and have final authority to designate street and subdivision names.
- C. 911 Addresses - Provided by the Malvern Fire Department/911 Department

### 7.2 Access

Every subdivision shall be served by a publicly dedicated street, Every lot or parcel within a subdivision shall have direct access to a public street.

### 7.3 Conformance to Municipal Plans

- A. All proposed subdivisions shall conform to the Comprehensive Plan in effect at the time of submission to the Commission.
- B. All highways and street right-of-ways, and other features of the Master Street Plan, shall be platted by the subdivider in the location and the ~~dimension indicated on the Master Street Plan or~~

as approved with Section 9.1.A.2.a of these regulations.

- C. Where such features of the Municipal Plan other than streets are located in whole or in part in a proposed subdivision, such planned features shall be reserved by the subdivider for a period of ninety (90) days from the date of submission of the preliminary plat. At the end of ninety (90) days, if the public body responsible for acquisition of such area has not purchased, condemned or optioned the land, such reservation shall be automatically voided permitting the land to be developed in a manner suitable to the subdivider subject to the provisions of these rules and regulations.
- D. The Commission shall waive the above mentioned platting and reservation requirements of Section 7.3.B and 7.3.C whenever the public body responsible for land acquisition executes a written release stating that such planned feature is not to be acquired.
- E. The Commission may disapprove plats when such planned features, as specified by the Comprehensive Plan, are not incorporated into the plat.

#### 7.4 Zoning or Other Regulations

- A. No Final Plat of land within the force and effect of an existing zoning ordinance shall be approved unless it conforms to such ordinance. Whenever there is a discrepancy between minimum standards or dimensions noted herein and those contained in zoning regulations, building code, or other official regulations or ordinance the most restrictive shall apply.
- B. When rezoning is required to bring a proposed subdivision into conformance with the authorized land use, such action shall be initiated by the applicant prior to or simultaneously with the request for subdivision approval.

7.5

Large Tracts or Parcels

- A. When land is subdivided into larger parcels than ordinary building lots, such parcels shall be arranged and designed so as to allow for the opening of future streets and to provide access to those areas not presently served by streets.

SECTION 8.      DESIGN REQUIREMENTS

8.1      Streets

- A. Streets shall be related approximately to the topography so as to produce useable lots and streets of reasonable gradient. Street grades shall conform as closely as possible to the original topography. Combinations of steep grades and curves shall be avoided. Gutter grades shall be no less than 0.5 per cent nor greater than 10 per cent.
- B. The proposed street layout should be appropriate for the type of development proposed and properly integrated with the street system in the area adjoining the subdivision. The layout shall also conform to the existing and proposed land uses and the most advantageous development pattern for the surrounding area.
- C. Proposed through streets shall be extended to the boundary lines of the tract to be subdivided.
- D. Every subdivision shall be served by an adequate system of publicly dedicated streets or their private counterparts as specified herein. All public streets within the subdivision shall be located, platted and dedicated to the City or the County in accordance with the standards and procedures outlined in these regulations.
- E. New perimeter half-streets shall not be allowed.
- F. Subdivisions that adjoin existing streets shall dedicate additional right-of-way to meet the minimum right of way width requirements from each side of the centerline.
- G. Proposed through streets shall be extended to the boundary of the tract to be subdivided and a temporary cul-de-sac shall be constructed to be removed when the street is extended beyond the property.

## H. Rights-of-Way

1. Residential streets: 50 feet
2. Collector streets: 60 feet
3. Arterial streets: 80 feet

### 1. Pavement Widths

1. Residential streets: 27 feet back of curb to back of curb
2. Collector streets: 35 feet back of curb to back of curb
3. Arterial streets: 60 feet back of curb to back of curb

### 2. Culs-de-sac

1. Right-of-way radius: 70 feet
2. Pavement radius: 60 feet
3. Maximum length: 1,000 feet

## 8.2. Functional Classification

The City of Malvern has adopted Arkansas Statute Act 308 of 1973 which establishes a uniform definition of the functional classification of streets and roads. This regulation incorporates the appropriate parts of Act 308.

## 8.3 Intersections and Alignments

- A. Street intersections shall be as nearly at right angles as possible, and no intersection shall be at an angle less than sixty (60) degrees.
- B. Curb line radius at street intersections shall be at least thirty (30) feet and where the angle of street intersection is less than ninety (90) degrees, the Commission may require a greater radius. Property line radii shall be concentric with the curbside.
- C. Street jogs with centerline offsets of less than one hundred and twenty-five (125) feet shall not be permitted.
- D. Intersections shall be designed with grades as level as possible consistent with proper provisions for drainage. In approaching intersections, the leveling area shall have a grade not exceeding five (5) per cent for a distance of not less than thirty (30) feet measured from the nearest curb or edge of the pavement.

- E. Additional street paving and/or right-of-way in the form of turning lanes may be required by the Department of Public Works where heavy traveled traffic is anticipated.
- F. Where visibility at any proposed street intersection would be impeded by earthen berms, banks, or existing vegetation, the developer shall cut such ground and/or vegetation in conjunction with the grading of the street right-of-way sufficient to provide adequate sight distance.
- G. Street intersections shall be located to avoid creating hazardous driving conditions.

#### 8.4 Utility and Drainage Easements

Utility and drainage easements for poles, wires, conduits, storm sewers, sanitary sewers, gas lines, water lines and similar purposes shall be provided where required by the utilities or the Department of Public Works. Easements shall be of sufficient width to provide for installation, access and maintenance of the facility or service. Such easements shall be not less than 7 1/2 feet on either side of the rear and side lot line. The specific location of easements not uniform in width and parallel to lot lines must be shown by dimensions. Easements for open drainage channels, streams, creeks and similar waterways shall be of sufficient width to provide the required waterway cross sectional area plus access for maintenance. A minimum of 15 feet on both sides may be required for access and maintenance. The minimum width shall be 25 feet. No encroachments of any type shall be permitted in open drainage channels. Vehicle and equipment access for maintenance shall be provided when required by the Director of Public Works.

1. No building may be erected over or in an easement. No encroachments of any type shall be permitted in open drainage channels.
2. All vehicular access easements shall be clearly indicated on the plat and properly dimensioned according to the requirements of this regulation.

Lots

- A. Every lot shall abut upon a public street. The size, shape and orientation of lots shall be appropriate for the location of the subdivision and for the type of development and use contemplated.
- B. Minimum lot dimensions shall conform to the requirements of the Zoning Ordinance for the applicable zoning district within the city limits. Outside the City but within the planning jurisdiction the following minimum lot dimensions shall prevail:

	<u>Width</u>	<u>Depth</u>
Single Family Detached Residential	60 ft.	100 ft.
Duplex	70 ft.	100ft.
Apartment Bldg. (4 units or less)	100ft.	100 ft.

Zero-Lot-Line Residential Lots - Submission of a plat creating a zero-lot-line development shall be accompanied by a generalized site plan showing the proposed locations and dimensions of all buildings, accessory uses and other improvements. Such lots shall be not less than 50 feet wide nor 100 feet in depth with a minimum overall size of 5,500 square feet. Platted building lines shall be shown on all sides of each lot. Platted building lines shall conform to building locations shown on the generalized site plan.

- C. No residential lot, in general, shall be more than three (3) times as deep as it is wide nor shall any lot average less than 100 feet in depth. Lot width shall be measured at the building line except in the case of lots abutting culs-de-sac where the average width of the lot shall be used.
- D. Lots served by a public water system and proposed to be served by a septic tank system must submit at the time of preliminary plat filing a written certification of approval by the Arkansas State Department of Health. The lot sizes allowable by this certification shall be indicated on the plat.

- E. Side lot lines shall be at right angles to street lines or radial to curving street lines unless a variation from this regulation will give a better street or lot plan or allow better utilization for conservation of energy.
- F. Corner lots for residential use shall have a minimum width of seventy-five (75) feet to accommodate the required building line on both streets and to assure adequate visibility for traffic safety.
- G. Pipe-stem-lots may be permitted in residential subdivisions provided that the stem or narrowest part of such a lot shall not be less than twenty (20) feet in width or have a length of more than two hundred (200) feet.

#### 8.6 Platted Building Lines and Buffers

- A. Building lines for residential lots shall be a minimum of twenty-five (25) feet from each street property line. County building lines will be adhered to where appropriate.
- B. Multi-family (more than 4 units) subdivisions abutting single family subdivisions or areas zoned for single family use shall protect such areas from potential nuisance by providing a minimum twenty-five (25) foot buffer strip between buildings and the common property line on side and rear yards and a minimum fifteen (15) foot buffer strip between drive/parking areas and the common property line on side and rear yards. In those instances where drives or parking areas are proposed to be located between a building and the common property line, the building shall be forty (40) feet from the common property line. If ground cover and trees are sparse or have been removed, the buffer strip shall be replanted with cover of the type natural to the area. No building, outside storage areas, or sanitation equipment shall be permitted within the buffer strip. Areas which are rezoned or redeveloped to multi-family use, and which abut a previously platted single family development shall erect a six (6) foot fence of opaque nature. The fence shall be of wood, metal (specifically not tin) or masonry and extend along the entire common property line.



8.7 Sidewalks

- A. Sidewalks, where required, shall be a minimum of four (4) feet wide and shall be installed within the dedicated right-of-way adjacent to the curb line, except where otherwise specified in this section and except where the land is topographically unsuited for the construction of sidewalks.
1. The Planning Commission may, at its option, require five (5) foot sidewalks in conjunction with commercial subdivision approvals or in other places of public assembly, or anticipated heavy pedestrian traffic volumes.
  2. Sidewalks are required on both sides of major and minor arterial streets; on one side of collector streets; on both sides of streets platted for multi-family development; and on one side of residential streets.
  3. Sidewalks shall be constructed to permit wheelchair access at street intersections.

8.8 Storm Drainage - General Provisions

- A. Every subdivision shall make adequate provision to accommodate or dispose of storm water by means of drains, sewers, catch basins, culverts, and other facilities deemed necessary by the Department of Public Works. No work shall begin until plans are approved by the City Engineer. Plan approval shall be based on the requirements of the approved preliminary plat and other applicable city standards.
1. Every subdivision shall make adequate plans and provisions to accommodate, control, and dispose of storm water by means of drains, storm sewers, catch basins, culverts, detention facilities and other facilities as deemed necessary by the City Engineer.
  2. Facilities for storm drainage and detention

of storm water shall be designed and constructed so as to control changes in the rate and character of storm water runoff onto adjoining property or downstream systems to that which existed prior to the development.

3. On-site detention facilities or other appropriate and approved means to trap sediment during construction and to control the increased runoff from development shall be incorporated in the subdivision drainage plans. Detention facilities shall be designed to comply with the latest requirements of the Arkansas Department of Environmental Quality. A permit must be obtained from the Arkansas Department of Environmental Quality prior to submittal of the subdivision layout to the City Engineer. Detention facilities are currently required for any area greater than 10 acres. The rainfall amount shall be determined from the U.S. Weather Bureau, Rainfall Frequency Atlas of the United States; Technical Paper No. 42, Washington D.C. May 1961 or a later updated version. On-site detention facilities shall be maintained by the subdivider, owner of record, or property owners association. Maintenance shall include removal of sediment when the basin's function is impaired, mowing, removal of debris, reseeding or resodding.

In instances where on-site detention is deemed unnecessary by the Arkansas Department of Environmental Quality based upon submission of proper proof by the engineer of record, on-site detention requirements may be waived by the Planning Commission upon recommendation by the City Engineer. Such waiver shall be due to local topographical or other physical conditions, and accessibility to an existing drainage system which has adequate capacity without detention to contain all runoff from the proposed development and existing developments during two 25-year one hour rainfall.

4. Storm water may not be diverted from one major watershed to another.

5. Any plat, area or lot located within a flood plain shall have a flood plain statement indicating the panel number, date and 100 year flood way boundary and 100 year flood plain boundary with elevation shown in each boundary line on the final plat.
6. During construction of the subdivision and for a one year thereafter, the subdivider shall provide all necessary maintenance and erosion control measures to keep ditches and drainage systems free of debris and sediment. Appropriate erosion control measure shall include temporary or permanent seeding, sodding, mulching, staked straw bales, silt fences, temporary diversion ditches, silt basins, terracing and ditch checks. Prior to construction, an Erosion Control Plan prepared by a registered professional engineer shall be submitted to the Department of Public Works for review and approval. The Erosion Control Plan shall be designed to:
  - a. Disturb the least amount of vegetated area practicable to minimize erosion.
  - b. Entrap all sediment on the property.
  - c. Prevent tracking of mud and dirt by construction activity onto adjoining existing roadway.
  - d. Establish ground cover at the earliest possible time.

B. Storm Drainage, Facility Design Specifics -  
Facilities for storm drainage should be designed and constructed so as to minimize increases in the rate of storm runoff onto adjoining property over that which existed prior to development.

1. Enclosed facilities for storm drainage (underground pipes, box culverts, etc) shall be of adequate capacity, and designed in accordance with 1 hour rainfall design frequency. Non-enclosed facilities (open ditches) shall be designed based upon the 25 year 1-hour rainfall event assuming poor

maintenance. Developments where the area contributing runoff is less than 200 acres may be designed using the rational method for calculating runoff. "C" values selected shall be based on future conditions with full development of the subdivision. An acceptable alternate method for areas less than 200 acres is Natural Resources Conservation Services TR-55 Method (CN Procedure). Areas above 200 acres shall use HEC-RAS procedures.

Provisions shall be made for storm water emergency overflow in subdivisions having enclosed systems. This system is an above ground system consisting of swales or other drainage mechanisms with the capacity to carry excess water not carried by the underground system. This system combined with the underground system shall have the capacity for a 50 year, 1 hour rainfall design frequency.

2. Storm water from upstream watersheds shall be transmitted through the proposed development by means of swales and/or storm sewer drains.
3. All open drainage ditches carrying 10 CFS or more shall have a concrete paved bottom and sides of a height sufficient to carry the design flow. Major natural streams are exempted from this requirement. Minimum bottom width shall be 2 feet with maximum side slopes of IV:2H. Open drainage ditches carrying less than 10 CFS may be concrete lined or grass lined. Grass lined ditches shall have a minimum bottom width of 2 feet, shall have side slopes of IV:3H or flatter and shall be designed to have velocities which do not erode the channel and which are not so low as to cause sedimentation. Open drainage ditches along property side lot lines shall not be permitted, unless approved by the City Engineer and only then in extraordinary circumstances.
4. ~~The~~ minimum allowable pipe size shall be fifteen (15") inch diameter. Pipes longer than 30' shall have a minimum pipe size of eighteen (18") inches diameter.

5. All pipe culverts and box culverts shall have concrete headwalls or flared end sections at the inlet and outlet ends. Concrete paved or grouted riprap slope protection shall be provided at the outlets if required for erosion control.

C. Storm Drainage, Street Related - Facilities for storm drainage shall be of adequate capacity, and designed in accordance with not less than a twenty-five (25) year rainfall. Provision shall be made for storm water emergency overflow in subdivisions having enclosed storm systems. This system is an above ground system consisting of swales or other drainage mechanisms with the capacity to carry excess water not carried by the underground system. This system combined with the underground system shall have the capacity carrying runoff from a 50 year, 1-hour rainfall with water surface a minimum of 12 inches below finished floors of residences. Drainage openings through arterial streets or roads outside of flood plains shall be designed to carry the discharge from a 100 year frequency rainfall without overtopping the roadway. Drainage openings in all streets and roads within the flood plain shall be designed to carry the discharge from a 100 year frequency rainfall without raising the water surface profile above the FEMA floodplain elevation at the site of the crossing. Drainage openings in all other streets and roads shall be designed to carry the discharge from a 25 year rainfall.

1. All roadway pavements shall be designed to eliminate flow of drainage across the pavement cross-section or crossing the crown of the street for a 25 year event.
2. All street crowns on standard residential streets shall be six inches (6"), including a one inch (1") gutter sloped to the curb.
3. Pipe culverts crossing streets in city right-of-way shall extend to the right-of-way line. Box culverts and bridges which cross streets in city right-of-way need not extend to the

right-of-way lines on each side but shall be of sufficient width to accommodate the required vehicle roadway section, shoulders and pedestrian sidewalks.

4. Curb inlets shall be designed to adequately accommodate the design storm volume of flow in the gutter and shall have a throat inlet capacity of 1.5 times the design gutter flow. Curb inlets shall be spaced so that at no point will the depth of water exceed 3 inches at the curb. Maximum inlet spacing shall be 500 feet. Curb inlets will be designed to an H-20 structural roadway capacity.

D. Storm Drainage Easements.

1. Drainage easements shall be provided for all above ground and underground drainage facilities. Each easement shall be of adequate width to allow for future maintenance.
2. Where a subdivision in a watershed is traversed by a major watercourse, channel or stream, a storm drainage easement right-of-way shall conform substantially to the lines of the watercourse as it enters and leaves the property and shall be of sufficient width and construction to provide design storm water capacity plus a minimum of 15 feet on each side for access and maintenance, provided the City Engineer may waive access easement requirement for one side only. Open drainage ditches shall have a drainage easement width equal to the channel top width plus 10' (15' minimum width). Underground storm drains shall have a drainage easement equal to the top width of the pipe, box culvert, etc plus 10' (15' minimum).
3. There shall be no encroachments into open drainage channels.
4. No utilities, except for utility crossings, shall be allowed to encroach in defined drainage easements.

5. Wherever possible, subdivisions shall be designed with utility easements on one side of lot lines and drainage easements on the other, to minimize fence and physical obstructions.

E. Construction in Floodplain.

The boundaries of the 100 year floodway and flood plain shall be shown and clearly labeled on all areas or lots in the subdivision. No structures or filling of any kind will be allowed within the floodway. Construction within the flood plain will be allowed provided the finished floor elevation is a minimum of 1 foot above the flood plain elevation. The volume of fill placed below the flood plain elevation must be offset by removal of an equal volume of material from the area so there is no net loss of storage capacity.

Any area or lot which is in the flood plain shall have the lowest allowable finished floor elevation indicated on the final plat. This elevation must be approved by the City Engineer.

F. Diversion of Storm Water to other Water Sheds

Storm water may not be diverted from one watershed to another within the plat boundaries. A major watershed is construed to be one that accumulates drainage on an area greater than one square mile.

SECTION 9.      IMPROVEMENTS

9.1      Required Improvements

A.    Every subdivider engaging in the subdividing and development of land as identified in this regulation shall be required to install, at his own expense, or to have installed by the appropriate public utility the following improvements:

1.    Street Grading

- a.    All streets shall be cleared and graded as approved by the City Engineer.
- b.    Finished grades shall not exceed ten percent nor shall they be less than 0.5%.

2.    Street Paving

- a.    Street paving widths shall be in conformance with the requirements set forth in this regulation.
- b.    Street pavements shall be installed according to standards adopted by this regulation and by the City Engineer.

3.    Curbs and Gutters

Curbs and gutters shall be installed on all streets except as this regulation may direct.

4.    Utility Lines

Increased cost of upgrading existing water and sewer lines due to added usage caused by the developer shall be paid by the developer.

a.    Water Supply

- (1)   Where a public water supply is within a reasonable distance, the subdivider shall install or have installed a system of water mains and connect to such supply. A service line and meter box to each lot shall be installed prior to the paving of the street.



- (2) Where a public water supply is not feasible for connection, each lot in a subdivision shall be furnished with a water supply system approved by the Arkansas Health Department. All lines shall be 6" or greater.

b. Sanitary Sewage Disposal

- (1) Sewage disposal shall be via a connection to a public sanitary system where feasible and where not feasible each lot shall be approved by the Arkansas Health Department.
- (2) A connection to each lot on the public sanitary system shall be installed prior to street paving.
- (3) Such public sanitary sewerage system shall be installed prior to the installation of the street pavement.
- (4) Where a public sanitary sewerage system is not feasible for connection, each lot in a subdivision shall be furnished with a septic system approved by the Arkansas Department of Health.
- (5) No more than 300' between manholes.

c. Storm Drainage

- (1) Every subdivision shall be so designed as to meet the storm water drainage design and criteria outlined in these regulations and as approved the City Engineer.
- (2) All drainage facilities shall be so designed to serve the entire drainage area.

d. Monuments

- A. Permanent reference monuments shall be required on all outside lines of the subdivision at angle points and points of curve or as required by the City Engineer. Such monuments shall be of steel 1/2" in diameter, 24" in length or other approved monument and shall be set flush with the ground in concrete and contains cap with surveyor's license number.
- B. All lot corners shall be marked with metal pins not less than 1/2" in diameter and 18" long and driven so as to be flush with the finished grade and contains cap with surveyor's license number.
- C. All monuments shall be installed and certified as such by a professional surveyor after all improvements have been completed and accepted by the City Engineer .

Fire hydrants shall be placed so that no lot in a residential subdivision is more than five hundred(500) feet from a fire hydrant, the distance to be measured along street lines, provided water mains are available.

Street name signs shall be placed on diagonally opposite corners of each street intersection in conformance with standards adopted by the City.

SECTION 10. FEES

- 10.1 At the time of filing an application for preliminary plat approval, the subdivider shall pay to the City fees according to the following schedule:
- A. Two hundred (\$200.00) dollars, plus developer shall reimburse city for the city's engineer's review fee which is based on an hourly rate.
  - B. Where improvements are necessary, \$20.00 per lot to construction inspection, and subdivision administration.
- 10.2 Fees shall be payable in advance of processing the plat.

## SECTION 11. ASSURANCE FOR COMPLETION OF IMPROVEMENTS

- 11.1 Upon final approval of construction plans for required improvements, the subdivider shall enter into an agreement with the City to install or ensure the completion of the improvements as outlined below. The City will accept the subdivision and issue the Certificate of Final Plat Approval subject to the assurance of installation of improvements.

One of the following methods shall be used by the subdivider to guarantee that improvements required by these regulations have been installed in accordance with approved plans and specifications.

- A. Certificate of Completion of Improvements - The subdivider may submit for approval to the Department of Public Works a certificate stating that all improvements and installations to the subdivision required for its approval under the terms of these rules and regulations have been made, added, or installed and in accordance with these specifications. Said certificate shall be certified by the registered Professional City Engineer of record.
- B. Performance Bond - If the subdivider cannot certify that all paving installation in the subdivisions has been completed, a performance bond or letter of credit may be posted in favor of the City of Malvern. Such performance bond or letter of credit shall specify the time for the completion of the paving and shall be in an amount determined by the Engineer and agreed to by the Department of Public Works to be sufficient to complete the improvements and installations for the subdivider in compliance with these rules and regulations plus 50 percent. A performance bond shall be issued by a Surety Company authorized to do business in the State of Arkansas.
- C. Cash Deposit - The subdivider may provide a cash deposit in a full amount as specified by the Engineer and agreed to by the Department of Public Works as sufficient to complete the improvements and installations required to comply with these rules and regulations plus 50 percent.

D. Tri-Party Agreement - The subdivider may enter into a tri-party agreement with the City and project lender requiring that:

1. The funds for the required paving plus 50 percent will be set aside and held separate from the balance of the development financing, and
2. The funds set aside will be dispersed only for the required paving and for no other purpose, and

The funds will be dispersed in direct payments for completion of the paving if the applicant becomes in default under the contract for improvements. Such funds to be released to the Department of Public Works upon their request once the default date is arrived, said default date to be set by the Director of Public Works.

## SECTION 12. INSPECTION OF IMPROVEMENTS

12.1 All projects shall be constructed according to the approved plans and specifications of a Professional Engineer. When the improvements required by these rules and regulations have been completed and installed, the Professional Engineer shall submit a letter to the Department of Public Works certifying his inspection and that improvements and installations have been made in accordance with approved construction plans, specifications, drawings and the standards established by the City or the County, and are functioning properly. Additional inspections shall be made in accordance with other applicable ordinances.

The Department of Public Works shall then inspect those facilities, improvements and installations for conformance with plans and specifications. If such final inspection reveals that there are any defects or deficiencies in such improvements as installed or that the improvements differ from the final engineering plans and specifications, the Department of Public Works shall notify the subdivision engineer and contractor in writing of such defects, deficiencies or deviations. The subdivider shall, at his expense, correct such defects or deviations within six (6) months of the date of notifications. When such defects, deficiencies or deviations have been corrected, the subdivider shall notify the Public Works Department in writing that the improvements are again ready for final inspection.

The developer shall retain the services of geotechnical materials testing firm which has been (approved by the city) to conduct material testing throughout the construction phase. The testing and frequency will be in accordance with the latest addition of the AHTD Std. Specs. for construction. All reports shall be delivered to the City.

## SECTION 13. ACCEPTANCE, DEDICATIONS AND RECORDING

- 13.1 Acceptance and Dedication - Public dedications of streets and public facility sites outside the corporate limits of the City of Malvern must be accepted by the Hot Spring County Judge following execution of satisfactory guarantees for completion as described in this regulation.

Approval of final plats within the Malvern City Limits by the Public Works Director and filing of the Plat of Record with the Circuit Clerk and Recorder of Hot Spring County shall constitute formal acceptance by the City of all approved public improvements covered by the Plat. The Public Works Director shall only approve a final plan upon receipt of a digitized version of the final plat compatible with AutoCad.

- 13.2 Recording with the Circuit Clerk - The final plat can be recorded only after the plat has received a Certification of Final Approval from the City of Malvern. Submittal for recording to the Circuit Clerk shall be the subdivider's responsibility. The subdivider shall provide the Department of Public Works with copies of the recorded plat to be retained in their files. Final plats shall be duly recorded within three (3) months of final plat approval by the Staff or the plat shall be declared null and void.

- 13.3 Notification of Recordation - No building permits may be issued until proof of the recording of said approved final plat has been presented to the Department of Public Works, giving plat book and page number, or instrument number.